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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,427	08/13/2001	John M. Danskin	NVIDP044/P000245	9665
28875	7590	11/15/2004	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			BAYAT, ALI	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,427

Applicant(s)

DANSKIN ET AL.

Examiner

Ali Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/13/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 12 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7,9,13,15 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 7,9,13,15 and 21, on line 3 of each of these claims the phrase "textels" is not clear to Examiner, appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 and 20-22 are rejected under 35 U.S.C. 101 because; the claimed invention is directed to non-statutory subject matter. Claim 11 is directed to non-statutory subject matter. Since the computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material. See – MPEP 2106.

Claims 20-22, are directed to non-statutory subject matter. Because claims 20-22, do not execute any function; there is no specific limitation of data structure, which provides a functional relationship between data stored in the storage medium (memory).

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The storage medium (memory) simply includes a mere arrangement of data, which is considered as "non-functional descriptive material" Merely claiming nonfunctional descriptive material stored in a computer-readable medium (memory) does not make it statutory since no requisite functionality is present to satisfy the practical application requirement.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 11,12,17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Goris et al. (U.S. 6,243,081).

In regard to claim 1, Goris provides, a) sending a request for compressed texture data to memory (Fig.11, element 1102, col.10 lines 3-12); b) receiving the compressed texture data from the memory (col.10, lines 3-5); c) identifying at least one of a plurality of compression algorithms associated with the compressed texture data (Fig.11 element 1114, col.10, lines 30-41); and d) decompressing the compressed texture data in accordance with the identified compression algorithm (Fig.11 element 1114, col.10, lines 30-41).

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With regard to claim 2, Goris provides, for a method, further compressing the texture data utilizing the plurality of compression algorithms, selecting the most favorable compressed texture data, and storing the most favorable compressed texture data in the memory (col.10, lines 30-41, also col.3, lines 52-59).

As to claim 3. See claim 2 above. It recites similar limitation as claim 3. Hence it is similarly analyzed and rejected.

In regard to claim 4, Goris provides for a method, further comprising storing a mode identifier with the compressed texture data (col.3, lines 57-59).

With regard to claim 5, Goris provides for a method, wherein the at least one of the plurality of compression algorithms associated with the compressed texture data is identified utilizing the mode identifier (Fig.5, element 506, col.6, lines 46-57).

As to claim 6, Goris provides for a method, wherein the mode identifier includes a mode bit (Fig.5, element 506).

In regard to claim 11, as best understood, see claim 1 above. It recites similar limitation as claim 11. Hence it is similarly analyzed and rejected.

As to claim 12. See claim 1 above. It recites similar limitation as claim 12. Hence it is similarly analyzed and rejected.

With regard to claim 17. See claim 1 above. It recites similar limitation as claim 17. Hence it is similarly analyzed and rejected.

In regard to claim 18, Goris provides for a multi-mode texture compression method for during graphics processing (Fig.5), comprising: a) compressing texture data utilizing a plurality of compression algorithms (Fig.5 element 506, col.120 lines 44-57);

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b) selecting the most favorable compressed texture data (Fig.5 element 506, lines 49-50); c) storing the most favorable compressed texture data in memory (Fig.5 element 104, col.6 line 40); storing a mode bit with the most favorable compressed texture data in the memory (Fig.5 element 506, col.6 lines 46-49, note that mode bit is inherited in the field 506, which is contained in header 502); e) sending a request for compressed texture data to memory (Fig.11, element 1102, col.10 lines 3-12); f) receiving the compressed texture data from the memory (col.10, lines 3-5); determining the mode bit associated with the received compressed texture data (Fig.11, element 114, col.10 lines 20-30);h) identifying at least one of a plurality of compression algorithms associated with the compressed texture data based on the mode bit (Fig.11 element 1114, col.10, lines 30-41); and i) decompressing the compressed texture data in accordance with the identified compression algorithm (Fig.11 element 1114, col.10, lines 30-41).

As to claim19. See claim 18 above. It recites similar limitation as claim 19. Hence it is similarly analyzed and rejected.

Objected Claims

4. Claims 8,10,14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Objected Claims

5. Claims 7,9,13 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 703-306-5915.

The examiner can normally be reached on M-Thur 9:00-7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-3085246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat *AB*
Patent examiner
Group Art Unit 2625
11/14/04

K. B. Patel
KANJIBHAI PATEL
PRIMARY EXAMINER